

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 1:00 cv 637
	)	
DANIEL GREEN, et al.,	)	Hon. Michael H. Watson
	)	
Defendants,	)	
	)	
and	)	
	)	
SAUNDRA GREEN and	)	
OMNI INDUSTRIAL PROPERTIES, INC.,	)	
	)	
Rule 19 Defendants.	)	
	)	

PHASE III CASE MANAGEMENT ORDER

WHEREAS, this Court entered a Case Management Order on March 14, 2001 providing that the Litigation of this action shall be in consecutive Phases: Phase I (Liability) and Phase II (Costs), and Phase III (Assets);

WHEREAS, the Parties have concluded discovery regarding Phase I issues and the Court has rendered its opinion on the dispositive motions filed by the Parties relating to such issues;

WHEREAS, as the Parties have determined that addressing Phase III issues prior to conducting discovery on Phase II issues may facilitate settlement of this matter and conserve resources, Phase II discovery shall not commence until the resolution of all Phase III issues;

WHEREAS, on April 14, 2005, the United States filed a Third Amended Complaint adding Omni Industrial Properties, Inc. as a Rule 19 Defendant with regard to the United States' Federal Debt Collection Proceedings Act claims against LWG, Inc.;

WHEREAS, the Parties acknowledge that the March 14, 2001 Case Management Order shall continue in full effect, with all references to the conduct of Phase I discovery and motion practice equally applicable to Phase III, except as explicitly amended herein;

NOW, THEREFORE, to promote the orderly and efficient progression of this case, the Court hereby enters the following scheduling order:

1. Pleadings:

- a. Defendants' answers to the United States' Third Amended Complaint shall be due on July 22, 2005.

2. Fact Discovery as to Phase III Issues:

- a. Disclosures required by Federal Rule of Civil Procedure 26(a)(1) regarding Phase III issues shall be made on August 26, 2005.
- b. Fact Discovery as to Phase III issues shall commence on August 29, 2005 and shall be completed by February 28, 2006 ("Phase III Discovery Period").
- c. All written discovery shall be served on or before January 28, 2006. Responses shall be served within the time provided by the Federal Rules of Civil Procedure.
- d. On January 27, 2006, parties shall in good faith exchange preliminary witness lists disclosing the names of those fact witnesses the disclosing party anticipates calling to testify at trial with respect to Phase III issues.

2. Expert Discovery as to Phase III Issues:

- a. Expert witnesses for the Plaintiff regarding Phase III issues shall be identified, and Rule 26(a)(2) expert reports shall be served, on or before March 15, 2006.
- b. Expert witnesses for the Defendants regarding Phase III issues shall be identified, and Rule 26(a)(2) expert reports shall be served, on or before April 17, 2006.
- c. Rebuttal expert witnesses for the Plaintiff and the Defendants regarding Phase III issues shall be identified, and Rule 26(a)(2) rebuttal expert reports shall be served, on or before May 17, 2006.
- d. Depositions of expert witnesses and rebuttal expert witnesses for the Plaintiff and the Defendants regarding Phase III issues shall be completed not later than June 28, 2006.

3. Motions for Summary Judgment with Respect to Phase III Issues:

- a. Motions for summary judgment on Phase III issues shall be served and filed on or before July 31, 2006. Opposition to motions for summary judgment shall be filed no later than 30 days after such motions are served. Reply memoranda, if any, shall be filed within ten days after the service of opposition to motions for summary judgment, and the motions shall be ready to be argued no later than 30 days after the service of any opposition to motions for summary judgment.

*Phase III Case Management Order* filed in United States v. Daniel Green, et al., 1:00-cv-637 (S.D. Ohio).

IT IS SO ORDERED.

ENTERED THIS 20<sup>th</sup> day of July, 2005

  
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Judge Michael H. Watson  
United States District Court Judge